

ORDINANCE No.

114355*Law Department*

COUNCIL BILL No.

107138

AN ORDINANCE relating to the regulation of weeds and vegetation in the City of Seattle and repealing Ordinance 78076, and portions of Ordinances 98149, 98365, 110742, 110675, and 110695.

## The City of Seattle--Legislative

## REPORT OF COMMITTEE

PASS 4-0  
2/7/89  
HHS

Honorable President:

Your Committee on HOUSING & HUMAN SERVICES

to which was referred the within Council Bill No. 107138  
report that we have considered the same and respectfully recommend

PASS 4-0 2/7/89

COMPTROLLER FILE NO.

Introduced: FEB 8 1989	By: <u>Noland</u>
Referred: FEB 8 1989	To: <u>Housing &amp; Human Services</u>
Referred:	To:
Referred:	To:
Reported: FEB 14 1989	Second Reading: FEB 14 1989
Third Reading: FEB 14 1989	Signed: FEB 14 1989
Presented to Mayor: FEB 15 1989	Approved: FEB 15 1989
Referred to City Clerk: FEB 15 1989	Published:
Voted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>OK</u>

Committee Chair

*Law Department*

## The City of Seattle--Legislative Department

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### REPORT OF COMMITTEE

Date Reported  
and Adopted

Honorable President:

Your Committee on HOUSING & HUMAN SERVICES

to which was referred the within Council Bill No. 107138

report that we have considered the same and respectfully recommend that the same:

PASS 4-0 2/7/89

\_\_\_\_\_  
Committee Chair

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#15  
C.B.107138

ORDINANCE 114355

AN ORDINANCE relating to the regulation of weeds and vegetation in the City of Seattle and repealing Ordinances 78076, and portions of Ordinances 98149, 98365, 110742, 110675 and 110695.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 10.52 of the Seattle Municipal Code, (Ordinance 78076, and its amendments, Section 1 of Ordinance 98149, Section 1 of Ordinance 98365, Section 1 of Ordinance 110675, Sections 2 and 3 of Ordinance 110695, and Section 1 of Ordinance 110742), are hereby repealed; provided that such repeal shall not affect any right accrued, any time limit for compliance, any penalty incurred, or any proceeding commenced under or by virtue of the repealed provisions.

Section 2. There is hereby added to the Seattle Municipal Code a new Chapter 10.52 to read as follows:

Chapter 10.52

WEEDS AND VEGETATION

10.52.010 Definitions

- a. Alley: A public way, paved or unpaved, which is intended to provide or which provides a roadway for vehicular and pedestrian access to abutting properties and is generally located to the rear or side of those properties, but not including such a public way in its natural and undeveloped state which cannot be used by vehicles.
- b. Director: The Director of the Department of Construction and Land Use (DCLU), or the Director's designee.

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- 2 c. Fire Hazard: Vegetation which is dry and
- 3 combustible, including but not limited to weeds,
- 4 grass or clippings, dead bushes or trees or their
- 5 parts, and other combustible vegetative materials.
- 6 d. Health Hazard: Vegetation or refuse providing a
- 7 harborage for rats or other rodents, excluding
- 8 squirrels, rodent runs and habitats, and vegetation
- 9 which is poisonous or noxious, including but not
- 10 limited to poison ivy, poison oak, poison hemlock,
- 11 poison sumac, and nightshade, or which creates a
- 12 danger of contamination or disease.
- 13 e. Occupant: Any person occupying or having
- 14 possession of property or any portion thereof.
- 15 f. Owner: Any person who, alone or with others, has
- 16 title or interest in property with or without
- 17 accompanying actual possession therefore, and
- 18 including any person who as agent, or as executor,
- 19 administrator, trustee, or guardian of an estate has
- 20 charge, care, or control of any property.
- 21 g. Person: Any individual, partnership, corporation,
- 22 trust, unincorporated or incorporated association,
- 23 marital community, joint venture, governmental
- 24 entity, or other entity or group of persons however
- 25 organized.
- 26 h. Planting Strip: That part of a street right-of-
- 27 way between the abutting property line and the curb
- 28 or traveled portion of the street, exclusive of any
- sidewalk.
- i. Property: A specific parcel or parcels, platted
- or unplatted, of land or real estate.



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2 j. Safety Hazard: Vegetation which overhangs the  
3 streets, sidewalk or alley in such a way as to  
4 impede the free and full use of the street,  
5 sidewalk, or alley, and vegetation which obstructs  
6 the vision of drivers such that traffic regulation  
7 signs or view of an intersection is obstructed from  
8 a position of thirty (30) feet or closer to the  
9 intersection, and vegetation which creates injury to  
10 or the opportunity or risk for injury to passersby  
11 or the general public.

12 k. Street: A public or private way, other than an  
13 alley, used for public travel.

14 l. Vegetation: Trees, shrubs, grass, weeds, bushes,  
15 vines, and other plant materials, including but not  
16 limited to clippings, fallen leaves, fruit or  
17 branches.

18 10.52.020 Nuisances Designated

19 The following conditions are hereby declared nuisances  
20 within the City of Seattle:

- 21 a. Vegetation constituting a fire hazard;  
22 b. Vegetation constituting a health hazard; and  
23 c. Vegetation constituting a safety hazard.

24 10.52.030 Duties of Owners and Occupants

- 25 a. It is the duty of the owner of the property and of  
26 any occupant of the property wherein or whereon any  
27 such nuisances exist to abate the nuisance by  
28 destroying, removing, or trimming vegetation, and  
removing or destroying any health, safety or fire  
hazard.

b. In addition to duties the owner or occupant may have to abate nuisances, the owner or occupant of property shall:

- (1) Remove vegetation in or on an abutting sidewalk.
- (2) Destroy, remove, or trim vegetation or parts thereof on the property, and which are also overhanging any sidewalk within eight (8) feet measured vertically from any point on the sidewalk.
- (3) Destroy, remove, or trim vegetation or any parts thereof on the property or on adjacent planting strips which encroaches on or overhangs the travelled portion of the street or alley within fourteen (14) feet measured vertically from any point on the street or alley.
- (4) Remove vegetation constituting a safety hazard found on adjacent planting strips or alleys.
- (5) Remove vegetation constituting a fire hazard found on adjacent planting strips or alleys.
- (6) Remove vegetation constituting a health hazard found on adjacent planting strips or alleys.

10.52.040 Enforcement

- a. It shall be the duty of the Director to enforce this chapter. The Director may call upon the police, fire, health, or other appropriate City departments to assist in enforcement.
- b. Upon presentation of proper credentials, the Director or duly authorized representative of the

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Director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued warrant, enter at reasonable times any building or premise subject to the consent or warrant to perform the duties imposed by this chapter.

- c. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, not for the benefit of any particular person or class of persons.
- d. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner or occupier of the land and buildings within the scope of this chapter. No provision of or term used in this chapter is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.
- e. In identifying violations of this chapter and in specifying corrective action necessary to comply with this chapter, the Director shall take appropriate measures to ensure that environmental hazards and unsafe conditions are not created in environmentally sensitive areas and in property maintained in a wholly undeveloped and unimproved state.
- f. Property which does not abut a street, alley or sidewalk and which is owned or maintained by the Seattle Department of Parks and Recreation is exempt from the requirements of this Chapter.

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10.52.050 Notice of Violation

a. If after investigation the Director determines that a violation of this chapter has occurred, the Director may have a notice of violation served upon the owner, or occupant or other person believed to be responsible for the condition. The notice may be served by mailing a copy by United States mail addressed to the last known address of the owner, occupant or other person responsible for the condition. The notice shall state separately each violation of this chapter and what corrective action is necessary to comply with this chapter. A reasonable time for compliance shall be established in the notice.

b. The notice of violation may be amended by the Director to cite additional authority for the stated condition or to correct clerical errors.

10.52.060 Time to Comply

When calculating a reasonable time for compliance, the Director shall take into consideration:

- a. The type and degree of violation cited in the notice;
- b. The intent of a responsible party to comply if an intent has been expressed.

10.52.070 Extension of Compliance Date

An extension of time for compliance with a notice of violation may be granted by the Director upon receipt of a written request therefor. The Director may without a written request grant an extension of time after finding that required



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2 actions have been started and that the work is progressing at  
3 a satisfactory rate.

4 10.52.080 Civil Penalty

- 5 a. In addition to any other sanction or remedial  
6 procedure which may be available, any person failing  
7 to comply with a notice of violation of this chapter  
8 shall be subject to a cumulative penalty in the  
9 amount of Twenty-five Dollars (\$25.00) per day for  
10 each violation from the date set for compliance  
11 until the notice of violation is complied with;  
12 provided persons failing to comply with a notice of  
13 violation issued with respect to property which is  
14 not used for residential purposes shall be subjected  
15 to a cumulative penalty in the amount of One Hundred  
16 Dollars (\$100.00) per day; and provided further that  
17 the penalty for failure to comply with a notice of  
18 violation where the City has abated the nuisance,  
19 shall be increased to include the actual cost of  
20 such removal, plus administrative cost which shall  
21 be defined to be fifteen percent (15%) of the actual  
22 cost of removal and shall include interest on the  
23 amount at the rate allowed for judgments.  
24 b. The penalty imposed by this section shall be  
25 collected by civil action brought in the name of the  
26 City. The Director shall notify the City Attorney  
27 in writing of the name of any person subject to the  
28 penalty and the City Attorney shall, with the  
assistance of the Director, take appropriate action  
to collect the penalty.

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10.52.090 Abatement

Any property on which violations of this chapter remain uncorrected after issuance of a notice of violation may be abated in any manner otherwise provided by law or in accordance with the following procedures:

- a. The City Council may, after a report filed by the Director, by resolution require a property owner, in addition or alternative to the penalties prescribed by Section 10.52.080, to abate the nuisance by removal or destruction at his or her cost and expense within a time specified in the resolution; and if the removal or destruction is not made by such owner within the time specified, the Director may abate the same as provided in subsection c.
- b. The resolution shall not be passed until the property owner is given at least five days' notice of the pendency of the proposed resolution. Such notice shall be given by the Director by mailing a copy of the notice to the owner as shown upon the records of the County Treasurer and at the address shown thereon. If no owner and address is shown on such records, a copy of the notice shall be posted upon the property, and shall also be published in one (1) issue of the official newspaper. The mailing, posting and publication shall be made at least five (5) days before the resolution is adopted and proof shall be made by affidavit of the Director filed with the City Clerk. The notice shall include the resolution number and shall describe the

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property involved and the nature of the condition constituting the nuisance.

- c. If the nuisance is not abated by the property owner within the time fixed in the resolution, the Director may abate the same and mail a bill to the property owner covering the cost to the City of such abatement, including the Director's expense. If the property owner fails or refuses to pay the bill immediately, the Director shall file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material.

10.52.100 Money Collected

Sums recovered by the City as reimbursement for costs incurred by the City for the abatement of nuisance, and fines and penalties collected pursuant to this chapter shall be paid into the Housing and Abatement Revolving Fund.

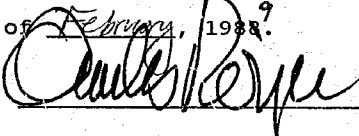
Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor; otherwise it shall take effect at the time it shall become a law under provisions of the City Charter.

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Passed by the City Council the 14<sup>th</sup> day of February,  
1989, and signed by me in open session in authentication of  
its passage this 14<sup>th</sup> day of February, 1989.

  
President of the City Council

Approved by me this 22<sup>nd</sup> day of February, 1989.  
  
Mayor

Filed by me this 22<sup>nd</sup> day of February, 1989.

Attest: Norward J. Brooks  
City Comptroller and City Clerk

Published: \_\_\_\_\_ By: Margaret Carter  
Deputy Clerk

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Seattle  
Department of Construction and Land Use

Holly Miller, Director  
Charles Royer, Mayor



MEMORANDUM

To: Sam Smith, City Council President  
Via Office of Management and Budget

From: Holly Miller, Director *Holly Miller*

Date: May 11, 1988

Subject: Proposed Weeds and Vegetation Ordinance **MAY 18 1988**

PL 8395 3  
RECEIVED

TRANSMITTAL

Attached for City Council consideration is the proposed ordinance to adopt a new Weeds and Vegetation Chapter to the Seattle Municipal Code. The proposed ordinance would repeal the existing Chapter 10.52 and would add a new Weeds and Vegetation Chapter which clarifies the duties of property owners and enhances enforceability of the requirements. Also attached is the Director's Report on the proposed ordinance.

SEPA

An environmental review checklist has been filed with the Department and a Declaration of Non-significance issued. The appeal period ended on April 12, 1988, with no requests for appeal of the DNS.

COSTS OF IMPLEMENTATION

The costs of implementing the Weeds and Vegetation ordinance will principally be for staff training, public information and copying of the ordinance. Training will be provided by the Code Development and Coordination staff through a one-hour training session for Housing and Zoning Enforcement staff. The cost of preparation for the training will be approximately \$140.00, resulting in a total cost of \$210.00. Costs for planning, preparing and printing an official Code pamphlet for public distribution will be approximately \$500.00. The estimated cost of staff copies will be approximately \$180.00. Thus, total estimated implementation costs for the Weeds and Vegetation Ordinance will be \$890.00.

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**REPORT ON REQUEST TO REVISE THE SEATTLE  
WEEDS AND VEGETATION ORDINANCE**

**I. Introduction**

The City of Seattle has received requests, both internally and from the public, to amend the Weeds and Vegetation Ordinance. Revision of the ordinance was requested to clarify the scope of the ordinance, to define more clearly the duties of owners of property under the ordinance, and to enhance the ordinance's enforcement provisions. The Department of Construction and Land Use has undertaken a study of the inadequacies of the existing code provisions of Chapter 10.52 of the Seattle Municipal Code and has proposed the attached revisions.

**II. Existing Ordinance Provisions**

Chapter 10.52 of the Seattle Municipal Code establishes the responsibility for removal of weeds and vegetation and sets forth the provisions for enforcing those requirements.

Section 10.52.010 provides that vegetation which obstructs public ways or which creates fire hazards or menaces to public health, safety or welfare shall constitute a public nuisance. This section creates a duty on the owner of property to abate such nuisances by destroying, removing or trimming such vegetation. Section 10.52.020 establishes a \$300.00 fine for failure to comply with the provisions of Section 10.52.010.

Sections 10.52.030 through 10.52.050 permit the Department of Construction and Land Use to request the City Council to direct the owner, by resolution, to remove any nuisance created by vegetation. If the owner fails to comply with the Council's directive, the Department of Construction and Land Use can perform the removal at the owner's expense.

**III. Background**

Since the adoption of the existing Weeds and Vegetation Ordinance, the Department of Construction and Land Use, which enforces the provisions, has found that the ordinance is lacking in several respects. First, the ordinance fails to provide adequate definitions for the existence or absence of nuisances. The failure of the ordinance to specify the conditions that create a nuisance has resulted in disputes over the proper application of the ordinance to particular cases. Second, the ordinance fails to provide specific standards by which property owners can determine whether weeds or vegetation on their property have been sufficiently trimmed or removed to avoid an ordinance violation. In

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fact, the ordinance does not establish overhang limits or height limits for encroaching vegetation. Finally, the enforcement and abatement provisions of the existing ordinance are not sufficiently detailed to facilitate enforcement of the standards in the Code. The Code provides no mechanism for prior notice to property owners or for setting a date for compliance. Further, the fine established by Section 10.52.020 is not affected by the time taken to comply, and thus, is not an adequate inducement to cause owners to comply promptly.

#### IV. Analysis

The ordinance provisions proposed by the Department seek to cure the deficiencies which experience has identified in the existing ordinance provisions. To replace the undefined standards of the existing code, the proposed revisions would add specific definitions of fire hazard, health hazard, safety hazard and vegetation. The definitions will remove doubt or misunderstanding concerning the Code's applicability to specific items such as clippings and trimmed branches, rodent runs and rodent habitats and poisonous plants. The proposed code would declare that defined fire hazards, health hazards, and safety hazards constitute nuisances, and such nuisances are illegal under the ordinance provisions. Because of the unique needs of park property, environmentally sensitive areas and natural areas, the proposed ordinance exempts or limits such property types from strict application of the proposed requirements.

In an effort to supplement the basic duties of owners to remove vegetation which constitutes a health, safety, or fire hazard, Section 3(b) of the proposed ordinance sets forth specific duties of property owners. In addition to establishing a general duty to abate the enumerated nuisances, the proposed ordinance will provide specific direction for removing vegetation on sidewalks and planting strips and for trimming trees or bushes that hang within specified distances of streets or sidewalks. The new ordinance will provide greater guidance to property owners who wish to maintain their property in compliance with the Code.

The enforcement provisions of the proposed ordinance are considerably more specific and detailed than those provided in the existing ordinance. Sections 5, 6 and 7 establish a Notice of Violation procedure similar to that used in the Land Use Code and the Housing and Building Maintenance Code. The sections provide notice to the property owners of the existence of violations, a reasonable time within which to correct the violations, and a formal procedure for obtaining extensions of the compliance date. Instead of a criminal fine, Section 8 would impose a civil penalty of \$15 per day

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for violations of the ordinance. The proposed Code specifically ties the penalty amount to the number of days the property is permitted to remain out of compliance. The per diem penalty will assist the Department of Construction and Land Use to obtain more timely compliance from reluctant property owners. Finally, in cases where the owner fails to comply, the enforcement provisions provide a procedure whereby the City can remove a public nuisance under the Weeds and Vegetation Ordinance and can seek to collect the costs of such removal as provided by law.

#### V. Public Comments

On March 10, 1988, the public comment period for the proposed ordinance began. Notice of the proposal was given in the March edition of DCLU's Info, and specific notice was given by mail to more than one hundred community groups and organizations. DCLU received written comments from three individuals or groups. One comment, from the Urban Seattle Community Council, expressed support for the proposal. Another group, the Montlake Community Club, opposed the proposal in principal and in detail, arguing that the City should not regulate vegetation on private property. Copies of the written comments are attached.

#### VI. Recommendation

The Department recommends that the existing provisions of the Weeds and Vegetation Ordinance, Chapter 10.52, Seattle Municipal Code, be revised to establish a new Weeds and Vegetation Ordinance as set forth in the proposal attached to this report. The proposal would provide greater clarity in the ordinance, both for purposes of reducing public uncertainty about the existence or absence of violations and for the purposes of enforcement. The proposal would also provide stronger and more efficient procedures, whereby the City can ensure that properties out of compliance with the provisions of the code can be brought into compliance quickly and effectively.

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25.05.970 Determination of Nonsignificance (DNS)

DETERMINATION OF NONSIGNIFICANCE

Description of Proposal

To amend a portion of Chapter 10.52 of the Seattle Municipal Code, the Weeds and Vegetation Ordinance.

Proponent City of Seattle, Department of Construction and Land Use

Location of proposal, including street address, if any

Text amendment applicable City wide

Lead Agency City of Seattle, Department of Construction and Land Use

- The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ There is no comment period for this DNS.

☐ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by \_\_\_\_\_.

Responsible official Jay Laughlin

Position/title Land Use Specialist Phone 684-8875

Address Room 408, Municipal Bldg., 600 4th Avenue, Seattle, WA 98104

Date \_\_\_\_\_ Signature Jay Laughlin

(OPTIONAL)

☒ You may appeal this determination to (name) Seattle Hearing Examiner  
at (location) 5th Floor, 400 Yesler Bldg., Seattle, WA 98104  
no later than (date) \_\_\_\_\_  
by (method) letter and \$25 filing fee

You should be prepared to make specific factual objection.  
Contact Hearing Examiner to read or ask about the procedures for  
SEPA Appeals. (684-0521)

☐ There is no agency appeal.

LU9/dn

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CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF CONSTRUCTION AND LAND USE

Application Number: 8707408  
Application Name: City of Seattle  
Department of Construction and Land Use  
Address of Proposal: City of Seattle

**SUMMARY OF PROPOSED ACTION**

Proposal to amend a portion of Chapter 10.52 of the Seattle Municipal Code, the Weeds and Vegetation Ordinance.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05,  
Seattle Municipal Code

**SEPA DETERMINATION:**    ☐ Exempt    ☒ DNS    ☐ EIS  
                                 ☒ DNS with conditions  
                                 ☐ DNS involving non-exempt grading  
   or demolition or involving another  
   agency with jurisdiction.

**BACKGROUND DATA**

**Proposed Action**

The proposed action would amend Chapter 10.52 of the Seattle Municipal Code. The City Council would act upon the proposed amendments, with final approval by the Mayor. The ordinance is being revised to define more clearly the duties of property owners under the ordinance, and to clarify and enhance the ordinance's enforcement provisions. The current ordinance establishes the responsibility for removal of weeds and vegetation, and sets forth enforcement provisions. The existing ordinance has proven to be lacking in several respects: the ordinance fails to provide adequate definitions for the existence or absence of nuisances; standards for establishing an owner's responsibility for vegetation are lacking; and, finally, enforcement and abatement provisions are too general and create difficulties relating to enforcement.

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The proposed ordinance revisions are intended to remedy the deficiencies which experience has identified in the existing ordinance. Changes to the ordinance include the following:

- 1) The proposed amendments define or redefine several key terms such as fire hazard, health hazard, safety hazard, and vegetation. The definitions will dispel any misunderstandings related to the applicability of the code to such areas as rodents, rodent runs and poisonous plants. The proposed code would declare that defined fire hazards, health hazards, and safety hazards constitute illegal nuisances. Because of their special needs, park properties, environmentally sensitive areas and natural areas are exempted from strict application of the proposed amendments.
- 2) The proposed amendments set forth the specific duties of property owners related to removal of nuisance vegetation. The amendments provide cleaner, more specific guidelines to property owners which spell out conditions for compliance.
- 3) The enforcement provisions of the ordinance are made more specific by the proposed amendments. A notice of violation procedure identifies the timing and fines related to ordinance implementation.

#### ANALYSIS - SEPA

Environmental impacts are described in the checklist submitted by the applicant. Environmental impacts related to vegetation removal such as noise, dust and minor erosion are expected to remain unchanged with implementation of the proposed amendments. The amendments do not expand the ordinance's area of authority, and are therefore not anticipated to materially increase the environmental impact associated with its implementation.

The purpose of the proposed amendments is to clarify various elements of the Weeds and Vegetation Ordinance to improve its enforceability. The impacts of the amendment proposal are minor in nature. While wide-spread throughout the city, they will achieve a result which will be in the public interest.

#### DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

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Application No. 8,07408  
Page 3

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

Signature

*Jay B. Laughlin*  
\_\_\_\_\_  
Land Use Specialist for  
Katy Chaney, Director, Land Use Division  
Department of Construction and Land Use

Date

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JBL:vg 880316

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Seattle  
Department of Construction and Land Use

10/1/84

ENVIRONMENTAL CHECKLIST

Purpose of Checklist.

The State Environmental Policy Act (SEPA), chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants.

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Nonproject Proposals.

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

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A. BACKGROUND

1. Name of proposed project, if applicable:  
Not applicable
2. Name of applicant:
3. City of Seattle, Department of Construction and Land Use:  
Address and phone number of applicant and contact person:  
400 Municipal Building, Seattle, Washington 98104  
(206)684-8880. Contact person: Mark Summers, Code Compliance Coordinator
4. Date checklist prepared: October 26, 1987
5. Agency requesting checklist: Department of Construction and Land Use
6. Proposed timing or schedule (including phasing, if applicable):  
Not applicable
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
  
No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.  
  
None
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.  
  
Not applicable
10. List any government approvals or permits that will be needed for your proposal, if known.  
  
Approval and adoption by the City Council is required.

11. Give brief, complete description of your proposal, including the proposed uses and the site of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) The proposal results from a request to amend Chapter 10.52 of the Seattle Municipal Code (the Weeds and Vegetation Ordinance) to provide greater clarity in ordinance application and enhanced enforcement. The Department's "proposal" is the amended version of SMC Chapter 10.52.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range and boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed ordinance would apply to all real property located within the City of Seattle.

TO BE COMPLETED BY APPLICANT:

EVALUATION FOR  
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. - Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: See answer to (d) below.
- b. What is the steepest slope on the site (approximate percent slope)?  
See answer to (d) below.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.  
See answer to (d) below.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

The proposal is not site-specific but will apply city-wide. The physical characteristics of the City vary and include many of the characteristics listed in this section.

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- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.  
Not applicable.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.  
Any clearing required by the proposed ordinance would be limited in nature to the removal of health, fire and safety hazards. Resultant erosion is not anticipated.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?  
Not applicable.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:  
See answer to (f) above.

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.  
Not anticipated.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.  
No
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:  
Not applicable.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The City has various streams and lakes within its boundaries and has Lake Washington and Puget Sound on its borders.

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AGENCY USE ONLY

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. *portions of the city lie within 200 feet of shoreline, some work under this ordinance may occur there* JBL

Not applicable - none anticipated.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Portions of the City lie within 100-year floodplains

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. No

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None anticipated.

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c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.  
Not applicable

- 2) Could waste materials enter ground or surface waters? If so, generally describe.  
No

- d. Proposed measures to reduce or control surface, ground, or runoff water impacts, if any:  
Not applicable.

4. Plants

a. Check or circle types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other  
☒ evergreen tree: fir, cedar, pine, other  
☒ shrubs  
☒ grass  
☒ pasture  
☒ crop or grain  
☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other  
☒ water plants: water lily, eelgrass, milfoil, other  
☒ other types of vegetation

Many types of plants and vegetation are found within the City.

- b. What kind and amount of vegetation will be removed or altered? Only vegetation constituting a health, safety or fire hazard, as defined by the proposal, will be removed. The "kind" may include weeds, grasses, bushes or trees. The "amount" will be only that necessary to eliminate the health, safety or fire hazard.
- c. List threatened or endangered species known to be on or near the site.

Not applicable.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable.

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5. Animals

- a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:  
A wide variety of animals are observed in or near the City.  
birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened or endangered species known to be on or near the site. Not applicable
- c. Is the site part of a migration route? If so, explain. Not applicable
- d. Proposed measures to preserve or enhance wildlife, if any: Not applicable

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Not applicable
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Not applicable.

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7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

The proposal is designed to eliminate certain hazards to health and safety created by vegetation, such as rats, rat runs, dried and dead plants and leaves and dry, overgrown grass.

- 1) Describe special emergency services that might be required.

Not applicable

- 2) Proposed measures to reduce or control environmental health hazards, if any:

The proposal mandates the elimination of certain health hazards.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

Not applicable.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from site? *the ordinance encourages the removal of vegetation, which involves the use of machinery such as chainsaws and other noise producing machinery. Such operations would be short term & would comply with the noise ordinance.*

None anticipated

- 3) Proposed measures to reduce or control noise impacts, if any:

Not applicable

JBL

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

A variety of uses are made of property within the City.

- b. Has the site been used for agriculture? If so, describe.

Not applicable.

*any agricultural use would be historic*

JBL

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EVALUATION FOR  
AGENCY USE ONLY

- c. Describe any structures on the site.  
Not applicable *affected sites may or may not have structures*
- d. Will any structures be demolished? If so, what?  
Not applicable *the intent of the ordinance is to remove nuisance vegetation*
- e. What is the current zoning classification of the site?  
Various zones are included within the City. *JB*
- f. What is the current comprehensive plan designation of the site?  
Not applicable
- g. If applicable, what is the current shoreline master program designation of the site?  
Various
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.  
Some property within the City is designated "environmentally sensitive."
- i. Approximately how many people would reside or work in the completed project?  
Not applicable.
- j. Approximately how many people would the completed project displace?  
None
- k. Proposed measures to avoid or reduce displacement impacts, if any;  
Not applicable
- l. Proposed measures to ensure the proposal is compatible with existing and project land uses and plans, if any:  
Not applicable

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9. Housing

- a. Approximately how many units would be provided, if any?  
Indicate whether high, middle, or low-income housing?

None

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing?

None

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable

- c. Proposed measures to reduce or control aesthetic impacts, if any: The proposal is designed, in part, to enhance aesthetic factors within the City by mandating the elimination of health, fire and safety hazards created by vegetation.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable

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12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
Not applicable
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
Not applicable

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. Such places and objects exist within the City.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.  
Not applicable
- c. Proposed measures to reduce or control impacts, if any:  
No impacts anticipated

14. Transportation

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.  
Not applicable
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop.  
Not applicable
- c. How many parking spaces would the completed project have? How many would the project eliminate?  
Not applicable



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- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Not applicable

- g. Proposed measures to reduce or control transportation impacts, if any.

Not applicable

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No

- b. Proposed measures to reduce or control direct impacts on public services, if any.

The proposal is designed to decrease the need for such services, particularly fire services, by eliminating certain fire, health and safety hazards.

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16. Utilities

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service,  
telephone, sanitary sewer, septic system, other.  
Not applicable
- b. Describe the utilities that are proposed for the pro-  
ject, the utility providing the service, and the general  
construction activities on the site or in the immediate  
vicinity which might be needed.

Not applicable

C. Signature

The above answers are true and complete to the best of  
my knowledge. I understand the lead agency is relying  
on them to make its decision.

Signature: Mack P. [Signature] CODE COMPLIANCE COORDINATOR

Date submitted: 29 February 1988

This checklist was reviewed by Jay Laughlin 3/18/88,  
Environmental Specialist, Department of Construction and Land Use. Any  
comments or changes made by the Department are entered in the body of the  
checklist and contain the initials of the reviewer.

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D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS  
(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?  
The proposal would not result in such increases.

Proposed measures to avoid or reduce such increases are:

Not applicable.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? The proposal will affect plants by mandating their alteration or removal to the extent that they constitute a health, safety or fire hazard as defined in the proposal. Animals, specifically rats and other rodents, may be affected by removal of vegetation constituting their habitat. Proposed measures to protect or conserve plants, animals, fish, or marine life are: Plants and animals will be impacted only to the extent that they create health, safety or fire hazards as defined by the ordinance.
3. How would the proposal be likely to deplete energy or natural resources?

No depletion is likely.

Proposed measures to protect or conserve energy and natural resources are:

Not applicable.

2. some habitat of non-misance animal species may be incidentally disturbed by vegetation removal.

JBC

TO BE COMPLETED BY APPLICANT:

EVALUATION FOR  
AGENCY USE ONLY

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Because of the limited definitions of fire, health and safety hazards in the proposal, environmentally sensitive areas will not be adversely affected by the proposal. Moreover, the proposal specifically provides that Proposed measures to protect such resources or to avoid or reduce impacts are:

The definitions used in the proposal for health, safety and fire hazards will reduce or avoid such impacts. Moreover, the proposal requires that special consideration be given to environmentally sensitive areas in identifying violations and corrective actions.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not affect land or shoreline use.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Not applicable

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No

Proposed measures to reduce or respond to such demand(s) are:

Not applicable

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflict is anticipated.

special needs of natural areas and environmentally sensitive areas should be considered in identifying violations and specifying corrective actions.

it will not affect these services  
JBe

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# City of Seattle

Executive Department-Office of Management and Budget

James P. Ritch, Director  
Charles Royer, Mayor



May 19, 1988

**COPY RECEIVED**

MAY 23 1988

Douglas N. Jewett  
CITY ATTORNEY

*Fearn*

The Honorable Douglas Jewett  
City Attorney  
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING  
DEPARTMENT: Construction and Land Use

SUBJECT: An ordinance relating to the regulation of weeds and vegetation in the City of Seattle and repealing Ordinance 78076, and portions of Ordinances 98149, 98365, 110742, 110675, and 110695.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Kwan Wong.

Sincerely,

Charles Royer  
Mayor

by

*[Signature]*

JAMES P. RITCH  
Budget Director

JR/kw/la

Enclosure

cc: Director, DCLU

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TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY  
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Jane Bland

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT'S SIGNATURE**

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12652  
City of Seattle, City Clerk

—ss.

No.

## STATE OF WASHINGTON - KING COUNTY

### Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 114355

was published on

03/14/89

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

*N. Spicuzza*  
Subscribed and sworn to before me on

*3/24/89*  
*Robert C. Jones*  
Notary Public for the State of Washington,  
residing in Seattle

Affidavit of Publication

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## City of Seattle

ORDINANCE 114355

AN ORDINANCE relating to the regulation of weeds and vegetation in the City of Seattle and repealing Ordinances 78076, and portions of Ordinances 98149, 98365, 110742, 110675 and 110695.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 10.52 of the Seattle Municipal Code, (Ordinance 78076, and its amendments, Section 1 of Ordinance 98149, Section 1 of Ordinance 98365, Section 1 of Ordinance 110675, Sections 2 and 3 of Ordinance 110695, and Section 1 of Ordinance 110742), are hereby repealed; provided that such repeal shall not affect any right accrued, any time limit for compliance, any penalty incurred, or any proceeding commenced under or by virtue of the repealed provisions.

Section 2. There is hereby added to the Seattle Municipal Code a new Chapter 10.52 to read as follows:

### Chapter 10.52

#### WEEDS AND VEGETATION

##### 10.52.010 Definitions

- a. **Alley:** A public way, paved or unpaved, which is intended to provide or which provides a roadway for vehicular and pedestrian access to abutting properties and is generally located to the rear or side of those properties, but not including such a public way in its natural and undeveloped state which cannot be used by vehicles.
- b. **Director:** The Director of the Department of Construction and Land Use (DCLU), or the Director's designee.
- c. **Fire Hazard:** Vegetation which is dry and combustible, including but not limited to weeds, grass or clippings, dead bushes or trees or their parts, and other combustible vegetative materials.
- d. **Health Hazard:** Vegetation or refuse providing a harborage for rats or other rodents, excluding squirrels, rodent runs and habitats, and vegetation which is poisonous or noxious, including but not limited to poison ivy, poison oak, poison hemlock, poison sumac, and nightshade, or which creates a danger of contamination or disease.
- e. **Occupant:** Any person occupying or having possession of property or any portion thereof.
- f. **Owner:** Any person who, alone or with others, has title or interest in property with or without accompanying actual possession therefore, and including any person who as agent, or as executor, administrator, trustee, or guardian of an estate has charge, care, or control of any property.
- g. **Person:** Any individual, partnership, corporation, trust, unincorporated or incorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- h. **Planting Strip:** That part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- i. **Property:** A specific parcel or parcels, platted or unplatted, of land or real estate.
- j. **Safety Hazard:** Vegetation which overhangs the streets, sidewalk or alley in such a way as to impede the free and full use of the street, sidewalk, or alley, and vegetation which obstructs the vision of drivers such that traffic regulation signs or view of an intersection is obstructed from a position of thirty (30) feet or closer to the intersection, and vegetation which creates injury to or the opportunity or risk for injury to passersby or the general public.
- k. **Street:** A public or private way, other than an alley, used for public travel.
- l. **Vegetation:** Trees, shrubs, grass, weeds, bushes, vines, and other plant materials, including but not limited to clippings, fallen leaves, fruit or branches.

##### 10.52.020 Nuisances Designated

The following conditions are hereby declared nuisances within the City of Seattle:

- a. Vegetation constituting a fire hazard;
- b. Vegetation constituting a health hazard; and
- c. Vegetation constituting a safety hazard.

##### 10.52.030 Duties of Owners and Occupants

- a. It is the duty of the owner of the property and of any occupant of the property wherein or whereon any such nuisances exist to abate the nuisance by destroying, removing, or trimming vegetation, and removing or destroying any health, safety or fire hazard.
- b. In addition to duties the owner or occupant may have to abate nuisances, the owner or occupant of property shall:
  - (1) Remove vegetation in or on an abutting sidewalk.
  - (2) Destroy, remove, or trim vegetation or parts thereof on the property, and which are also overhanging any sidewalk within eight (8) feet measured vertically from any point on the sidewalk.
  - (3) Destroy, remove, or trim vegetation or any parts thereof on the property or on adjacent planting strips which encroaches on or overhangs the travelled portion of the street or alley within fourteen (14) feet measured vertically from any point on the street or alley.
  - (4) Remove vegetation constituting a safety hazard found on adjacent planting strips or alleys.
  - (5) Remove vegetation constituting a fire hazard found on adjacent planting strips or alleys.
  - (6) Remove vegetation constituting a health hazard found on adjacent planting strips or alleys.

##### 10.52.040 Enforcement

- a. It shall be the duty of the Director to enforce this chapter. The Director may call upon the police, fire, health, or other appropriate City departments to assist in enforcement.
- b. Upon presentation of proper credentials, the Director or duly authorized representative of the Director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued warrant, enter at reasonable times any building or premise subject to the consent or warrant to perform the duties imposed by this chapter.
- c. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, not for the benefit of any particular person or class of persons.
- d. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner or occupier of the land and buildings within the scope of this chapter. No provision of or term used in this chapter is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

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- e. In identifying violations of this chapter and in specifying corrective action necessary to comply with this chapter, the Director shall take appropriate measures to ensure that environmental hazards and unsafe conditions are not created in environmentally sensitive areas and in property maintained in a wholly undeveloped and unimproved state.

- f. Property which does not abut a street, alley or sidewalk and which is owned or maintained by the Seattle Department of Parks and Recreation is exempt from the requirements of this Chapter.

#### 10.52.050 Notice of Violation

- a. If after investigation the Director determines that a violation of this chapter has occurred, the Director may have a notice of violation served upon the owner, or occupant or other person believed to be responsible for the condition. The notice may be served by mailing a copy by United States mail addressed to the last known address of the owner, occupant or other person responsible for the condition. The notice shall state separately each violation of this chapter and what corrective action is necessary to comply with this chapter. A reasonable time for compliance shall be established in the notice.
- b. The notice of violation may be amended by the Director to cite additional authority for the stated condition or to correct clerical errors.

#### 10.52.060 Time to Comply

When calculating a reasonable time for compliance, the Director shall take into consideration:

- a. The type and degree of violation cited in the notice;
- b. The intent of a responsible party to comply if an intent has been expressed.

#### 10.52.070 Extension of Compliance Date

An extension of time for compliance with a notice of violation may be granted by the Director upon receipt of a written request therefor. The Director may without a written request grant an extension of time after finding that required actions have been started and that the work is progressing at a satisfactory rate.

#### 10.52.080 Civil Penalty

- a. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a notice of violation of this chapter shall be subject to a cumulative penalty in the amount of Twenty-five Dollars (\$25.00) per day for each violation from the date set for compliance until the notice of violation is complied with; provided persons failing to comply with a notice of violation issued with respect to property which is not used for residential purposes shall be subjected to a cumulative penalty in the amount of One Hundred Dollars (\$100.00) per day; and provided further that the penalty for failure to comply with a notice of violation where the City has abated the nuisance, shall be increased to include the actual cost of such removal, plus administrative cost which shall be defined to be fifteen percent (15%) of the actual cost of removal and shall include interest on the amount at the rate allowed for judgments.
- b. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

#### 10.52.090 Abatement

Any property on which violations of this chapter remain uncorrected after issuance of a notice of violation may be abated in any manner otherwise provided by law or in accordance with the following procedures:

- a. The City Council may, after a report filed by the

Director, by resolution require a property owner, in addition or alternative to the penalties prescribed by Section 10.52.080, to abate the nuisance by removal or destruction at his or her cost and expense within a time specified in the resolution; and if the removal or destruction is not made by such owner within the time specified, the Director may abate the same as provided in subsection c.

- b. The resolution shall not be passed until the property owner is given at least five days' notice of the pendency of the proposed resolution. Such notice shall be given by the Director by mailing a copy of the notice to the owner as shown upon the records of the County Treasurer and at the address shown thereon. If no owner and address is shown on such records, a copy of the notice shall be posted upon the property, and shall also be published in one (1) issue of the official newspaper. The mailing, posting and publication shall be made at least five (5) days before the resolution is adopted and proof shall be made by affidavit of the Director filed with the City Clerk. The notice shall include the resolution number and shall describe the property involved and the nature of the condition constituting the nuisance.

- c. If the nuisance is not abated by the property owner within the time fixed in the resolution, the Director may abate the same and mail a bill to the property owner covering the cost to the City of such abatement, including the Director's expenses. If the property owner fails or refuses to pay the bill immediately, the Director shall file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material.

#### 10.52.100 Money Collected

Sums recovered by the City as reimbursement for costs incurred by the City for the abatement of nuisance, and fines and penalties collected pursuant to this chapter shall be paid into the Housing and Abatement Revolving Fund.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor; otherwise it shall take effect at the time it shall become a law under provisions of the City Charter.

Passed by the City Council the 14th day of February, 1989, and signed by me in open session in authentication of its passage this 14th day of February, 1989.

SAM SMITH,  
President of the City Council.  
Approved by me this 22nd day of February, 1989.

CHARLES ROYER,  
Mayor.

Filed by me this 22nd day of February, 1989.

Attest: NORWARD J. BROOKS,

City Comptroller and City Clerk.

(Seal) By: MARGARET CARTER,

Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, March 14, 1989. (12652)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.